IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
John Wainwright

Serial No.: 09/426,143

Filed: October 22, 1999

For: SPECIFYING OPERATIONS TO BE APPLIED TO THE ATTRIBUTES OF A SET OF OBJECTS

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§ Group Art Unit: 2628
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§ Examiner: Chante E. Harrison
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July 31 2007 /Jon K. Stewart/
Date Jon K. Stewart

REPLY BRIEF

Dear Sir:

Applicant submits this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer dated May 31, 2007. While Applicant maintains each of the arguments submitted in Applicant previously submitted Appeal Brief, Applicant makes the following further arguments in light of the Examiner's Answer. Please charge any additional fees that may be required to make this Reply Brief timely and acceptable to Deposit Account No. 20-0782/AUTO/0034.

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Status of Claims

Claims 1-3, 5, 7-14, 16 and 18-22 are pending in the application. Claims 1-20 were originally presented in the application. Claims 4, 6, 15 and 17 have been canceled without prejudice. Claims 1-3, 5, 7-14, 16 and 18-22 stand finally rejected as discussed below. The final rejections of claims 1-3, 5, 7-14, 16 and 18-22 are appealed. The pending claims are shown in the attached Claims Appendix.

Grounds of Rejection to be Reviewed on Appeal

1. Claims 1-3, 5, 7-14, 16 and 18-22 are rejected under 35 § U.S.C. 103(a) as being unpatentable over *Merrill et al.* (U.S. Pub. No. 2002/0008703, hereinafter, "*Merrill*").

ARGUMENT

MERRILL, THE REFERENCE RELIED UPON BY THE EXAMINER, DOES NOT RENDER INDEPENDENT CLAIMS 1, 8, 12, OR 18 OBVIOUS

The Examiner continues to suggest that *Merrill*[1] discloses a method of executing an operation on a set of graphical components that includes detecting that a statement contains an operation identifier that specifies said operation, pattern matching criteria, and an attribute identifier that identifies an attribute. And further, that *Merrill* discloses a method that includes executing said statement by identifying said set of graphical components associated with identifiers that satisfy said pattern matching criteria, and performing said operation on said attribute of each graphical component in said set of graphical components that satisfy said pattern matching criteria, as recited by claim 1. Claims 8, 12, and 18 recite similar limitations. Respectfully, Applicant disagrees with the Examiner's interpretation of *Merrill*.

In rejecting claims 1, 8, 12, and 18, the Examiner continues to rely on the same passages from *Merrill* as in prior actions. Specifically, the Examiner's Answer[2] provides:

> Merrill discloses detecting that a statement contains an operation identifier, pattern-matching criteria, and attribute identifier ... (pp. 13, Para 168-169; pp. 19, Para 324-327), and executing the statement by identifying said set of graphical components associated with identifiers that satisfy pattern matching criteria (pp. 20, Para 340), performing the operation on the attribute of each graphical component in the set of graphical components that satisfy said pattern matching criteria (pp. 7, Para 87-88; pp. 20, Para 341).[3]

This copies exactly the Examiner's position as stated in Final Office Action dated July 25, 2005. However, as set forth in Applicant's Appeal Brief, the first passage cited by the examiner is in fact directed to a markup tag that may be included in a webpage to indicate the presence of spoken text. In discussing these tags, *Merrill* provides that a "server also embeds what are referred to as tags in every piece of text that is passed to the speech synthesis engine. These tags are inserted before every word in the text and tell the speech synthesis engine that the server

[1] U.S. Patent Pub. No. 2002/0008703
[2] Note, the PTO mailed a first Answer on May 31, 2007 and a second Answer on July 18, 2007. The Examiner has indicated that the only distinction between the two is that the second Answer includes an "Evidence Relied Upon" section that references *Merrill* on page 3 of the Answer.
[3] Examiner's Answer, p. 3.

wants to be notified whenever one of these tags is encountered."[4] The first passage cited by the Examiner discusses an example of one of the tags, specifically, a "special type of tag called a bookmark tag in Speak method statement [sic] to sync its operations with the output text."[5] *Merrill*, ¶ 168. Nowhere in passage is any pattern matching criteria used to identify a set of graphical components, or pattern matching criteria used to identify anything else. Far from it, these paragraphs do not include any teaching of pattern matching criteria (as recited by claims 1 and 12) or of an identifier that is associated with a collection of graphical components (as recited by claims 8 and 18). Rather, the passage is directed to special tags embedded in a block of text fed to a text-to-speech generator. The problem addressed in these passages of *Merrill* is the synchronization of the movements of a character's mouth appearing in an animation sequence.

Further, the second passage cited by the Examiner merely provides exemplary syntax of Microsoft's Visual Basic product. Nothing in this second passage teaches a statement that contains pattern matching criteria; rather, the passage provides some simple examples of Visual Basic. Respectfully, Applicant submits that *Merrill* a general description Visual Basic syntax fails to teach the claimed limitation of detecting a statement that includes (i) an operation identifier that specifies said operation, (ii) pattern matching criteria, and (iii) an attribute identifier that identifies an attribute, as recited in Claims 1 and 12. There is simply no pattern matching criteria present in these general examples of Visual Basic syntax.

Nevertheless, in a Response to Arguments section of the Answer, the Examiner tries to defend the rejection based on the discussion of markup tags used in a speech synthesis engine. Specifically, the Examiner's Answer provides:

> Merrill pp. 3, Para 168-169 describes use of a special bookmark tag to identify in the script for a Speak Statement the object (i.e. agent) for which a speak even will occur. Execution of the Speak Statement causes the object (i.e. agent) to move such that the object (i.e. the displayed animated character, e.g. agent) appears to "say" the text simultaneously displayed on the screen (pp. 13, Para 170). The Speak Statement is an exemplary script format, such as those illustrated at pp. 19, Para 324-327. The illustrated script statements are used to execute operations on the attributes of objects, which the Applicant refers to as graphical components. For example, pp. 19, Para 326, is a script that would execute an operation, such as adjusting a "value", of an attribute, such as "Property" on an object

[4] *Merrill*, ¶167
[5] *Merrill*, ¶168

> or graphical component that has the text string pattern "agent". Additionally, during execution of the script the system would identify the "object" and create an instance (i.e. a displayable representation) of the agent object (pp. 19, Para 333).[6]

The Examiner appears to suggest that a reference to a programmatic object demonstrates that Merrill discloses detecting a statement that contains an operation identifier that specifies said operation, and pattern matching criteria, as recited by claim 1. This makes no sense. As is well known, objected oriented programming techniques use objects to encapsulate a set of data and functions. In fact, Merrill states this quite well:

> In object oriented programming terminology, an "object" is an instance of a programmer-defined type referred to as a class, which exhibits the characteristics of data encapsulation, polymorphism and inheritance. A class is the definition of a data structure and the functions that manipulate that structure (member functions).[7]

The examiner contorts the well known computer programming project of an object to suggest that mere fact that an object is referenced by name within the text of a computer program discloses detecting that a statement contains an operations identifier and pattern matching criteria. However, the "agent" object, as actually discussed in *Merrill*, conforms to the description of object oriented programming given above. Specifically, *Merrill* provides:

> Clients of the animation server access its animation services using the methods, properties and events of the agent object's interface. The methods of the agent object include a number of functions to control the playback of an animation. Example methods include: Play, GestureAt, MoveTo, Stop, and Speak.[8]

Thus, not surprisingly, the examples of programming syntax cited in the Examiner's answer illustrate methods and properties of the agent object's interface. For example, paragraph 326, set out in full, includes the following line of visual basic

> Agent.obejct.Property = value[9]

In this specific case, the data variable of "objectProperty" is assigned the value referenced by the "value" data variable for an instance of the Agent object.

Clearly, however, the material cited by the Examiner simply does not disclose a method of executing an operation on a set of graphical components that includes detecting that a

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[6] Examiner's Answer, p. 7.
[7] *Merrill*, ¶ 123
[8] *Merrill*, ¶ 156
[9] Merrill, ¶ 326

statement contains an operation identifier that specifies said operation, pattern matching criteria, and an attribute identifier that identifies an attribute, as recited by claims 1, 8, 12, and 18.

Accordingly, for all the foregoing reasons, Applicant submits that *Merrill* does not render the present claims obvious. Therefore, Applicant respectfully requests that the Board of Patent Appeals and Interferences vacate the rejection and instruct the Examiner to allow all of the claims.

CONCLUSION

The Examiner errs in finding that claims 1-3, 5, 7-14, 16 and 18-22 are unpatentable over *Merrill* under 35 U.S.C. § 103(a).

Withdrawal of these rejections and allowance of all claims is respectfully requested.

Respectfully submitted,

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